

Rule 22
BAIL

(A) Persons arrested and in the custody of the Lucas County sheriff before 9:00 a.m. shall be brought before the appropriate session of the court on the same day as the arrest, excepting most weekends and court holidays. Persons in custody who cannot be brought before one of the arraignment sessions within 4 hours shall have bail set either in accordance with the standard bail schedule established by the court pursuant to Rule 46 of the Ohio Rules of Criminal Procedure, or by order of the felony judge or any other judge of the court if the felony judge is unavailable. Bail may be posted with the clerk of court by credit card of recognized and established issuers.

(B) Bail set ex parte by a judge when court is not in session, or set by the standard bail schedule, shall not, remain in effect beyond the next regularly scheduled court session when a bail hearing shall be given the defendant. At the bail hearing, defendant, defendant's attorney, and the prosecutor may discuss reasonable bail, and the court will give careful consideration to reports which show a defendant's prior offense record.

(C) Defendants charged with misdemeanors who post bond with the clerk of court and are released shall be given a written notice to appear at the time and place of their arraignment. The notice shall also advise defendant of the right to counsel. The clerk shall not set an arraignment appearance date beyond 10 days, except that in cases where the charge is operating a motor vehicle under the influence of alcohol or any drug of abuse, arraignment must be set within 5 days of the arrest. The clerk shall also note the scheduled appearance date on the complaint (affidavit). Defendants released in accordance with Rule 4(F) of the Ohio Rules of Criminal Procedure shall be given a similar court date.

(D) Persons charged with a felony who are released on bail shall appear at a time and date set by the judge setting the bond or at a time and date set by the clerk of court.

(E) The bond schedule for the Toledo Municipal Court is as follows:

A \$25.00 surcharge must be added on all bail postings consistent with House Bill 1, 128th General Assembly, Revised Code Section 2937.22.

First Degree Misdemeanor	Local	\$ 500.00
	Ohio Resident	\$1000.00
	Out of State	\$5000.00
Second Degree Misdemeanor	Local	\$ 250.00
	Ohio Resident	\$ 500.00
	Out of State	\$2500.00
Third Degree Misdemeanor	Local	\$ 200.00
	Ohio Resident	\$ 400.00
	Out of State	\$1000.00
Fourth Degree Misdemeanor	Local	\$ 100.00
	Ohio Resident	\$ 200.00
	Out of State	\$1000.00

Minor Misdemeanor	Local	\$ 50.00
	Ohio Resident	\$ 75.00
	Out of State	\$ 250.00

All non-violent misdemeanors that are recommended for release by the PSA Court Tool shall be released on the conditions recommended. This rule does not apply to recommendations for electronic monitoring or work release. If a non-violent misdemeanor is recommended for supervised release, and supervised release is not available, the release shall be processed as an own recognizance release.

All Drug, Theft and Forgery Felony level 4 and 5 charges that are recommended for release by the PSA Court Tool shall be released on the conditions recommended. This rule does not apply to recommendations for electronic monitoring or work release.

This schedule shall not apply to any crime involving a human victim including: Domestic Violence (Felony and M1 and M4), Assault, Child Endangering, Child Enticement, Aggravated Menacing, Unlawful Restraint, Menacing, Violations of TPO, Telephone Harassment, and any attempt, complicity or conspiracy to commit any of the forgoing offenses. This schedule shall not apply to any Sexually Oriented Offenses, including Attempted Importuning, Sexual Imposition, Unlawful Sexual Conduct with a Minor, and Voyeurism, Attempted Illegal use of a Minor in Nudity Oriented Material or Performance, Attempted Child Enticement with Sexual Motivation, Attempted Pandering Obscenity, Menacing by Stalking with Sexual Motivation, Unlawful Restraint with Sexual Motivation, and any attempt, complicity or conspiracy to commit any of the forgoing offenses . All such charges require judicial determination of bond.

Local: Lucas, Wood, Fulton, Ottawa Counties

Ohio: Shall also include Monroe County, Michigan

Out of State: Shall not include residents of other countries, whose bond must be set by a Judge.

The bonds set above shall be posted at 10%.

(F) Property Bond. In order to post a property bond:

(1) The real estate must be titled in the name of the defendant or surety and must be located in Lucas County, Ohio. In order to be used as a property bond, real estate must be titled in the name of an individual or individuals. Property owned by a trust, trustee, corporation, limited liability corporation, partnership or other such entity shall not be accepted as security under this rule.

(2) The defendant or surety must file an affidavit for a real estate bond which:

(a) has attached a statement of current owners and lien holders from a title company showing all owners of the real estate including the defendant or the surety and showing all lien holders and the amount claimed in each encumbrance:

(b) includes for each encumbrance identified in the title company statement, satisfactory evidence of the current balance of each encumbrance, including any unpaid mortgages, taxes, or other liens;

(c) has attached a statement of equity showing the difference in the fair market value of the real estate less the unpaid balances of each lien, equaling a balance of at least twice the amount of the bond;

(d) has attached a current appraisal from the county auditor or a licensed real estate agent, showing the fair market value of the real estate;

(e) has attached a certified copy of the property deed from the county recorder's office;

(f) includes a statement of each spouse of each owner indicating agreement to post property as bond;

(g) is signed by the defendant or surety, each owner, and each spouse of each owner.

(3) The judge must approve these documents after which the clerk of court must file the bond in the Lucas County Recorder's Office as a lien on the real estate. A release of lien shall be conveyed to the defendant or surety for filing after the bond is released.

(4) Should the defendant fail to appear, the lien on the real estate can be foreclosed, the real estate sold, and the proceeds applied to the bail amount.